

**REMARKS**

Claims 1-18 are pending in this application. Claims 1 and 15 are amended. Support for the amendments may be found in the specification, p. 21, line 19 – p. 22, line 8; p. 23, line 23 – p. 24, line 14, for example. No new matter has been added.

FIG. 7 has been amended to include the legend “Prior Art” in response to the objection thereto. The objection is now overcome.

The title has been amended to be more descriptive in response to the objection thereto. The objection is now overcome.

Claims 1, 2, 14, 15, 17 and 18 stand rejected under 35 USC 102(b) as being anticipated by Park (USPA 2003/0053394). Applicant traverses the rejection.

Claim 1 as amended recites an optical pickup device comprising a combination of elements. The combination includes, *inter alia*, a correction optical device section that has a correction optical device to correct a light path of light reflected by an information recording medium before light receiving portions of a light detector receive the reflected light. The correction optical device section also has a correction optical device control section to control the correction optical device to return the ratio of the light spot received by the light receiving portions to a prescribed value when the ratio deviates from that value.

Applicant’s claimed invention addresses an optical pickup device problem in which the optical elements may shift position, e.g., due to long-time use or environmental changes, causing the ratio of the light spot received at each light receiving portion of the light detector to deviate from a prescribed value. The specification, p. 21, line 23 – p. 22, line 4, for example, discloses that the ratio indicates the area of the light spot at one portion compared to the area of the light spot at another portion. The prescribed value is set such that the portions have equal areas of the light spot thereon. However, when the optical elements shift, the area on some portions may be larger than

on other portions. See, e.g., FIGS. 4A and 4B. This may result in information from the recording medium being read inaccurately. Applicant's correction optical device section solves this problem.

Park neither discloses nor suggests Applicant's claimed optical pickup device, in particular the correction optical device control section to control the correction optical device to return the ratio of the light spot received by the light receiving portions of the light detector to a prescribed value when the ratio deviates from that value. Rather, Park merely discloses that a sensing lens 57 may be used to adjust the focal length of light received by a photodetector 60 by moving the sensing lens 57 in the direction of the optical axis. See, e.g., Park, ¶ [0060], FIG. 9. Indeed, Park fails to disclose or suggest Applicant's control section at all.

Since Park neither discloses nor suggests a control section for its sensing lens 57, the Action could only assert that Park "implies a controller controlling the movement [of the sensing lens 57] where the controller would use a comparison of a light intensity received by [the photodetector] 60 with a threshold to determine the optimum position of [the sensing lens] 57." This assertion is incorrect. Park must disclose or suggest the control section, along with the other elements of Applicant's claim 1, in order for there to be anticipation. Park does neither. The mere fact that the sensing lens 57 moves to adjust focal length does not disclose or suggest that a control section is involved. There are several ways that a person of ordinary skill would employ to move the sensing lens 57, e.g. by hand manually, by mechanical force of a lever, etc. The Action has provided no basis for the assertion that the movement is by a control section. Therefore, *prima facie* anticipation of claim 1 by Park has not been properly established.

Moreover, even were Park to disclose or suggest that a control section adjusts its sensing lens 57, the sensing lens 57 moving in the direction of the optical axis to adjust the focal length is not the same as Applicant's correction optical device control section controlling the correction optical device to return the ratio of the light spot to a prescribed value. The former adjusts the focus

of the light, the latter the position. Park does not disclose or suggest that its sensing lens 57 could be used to adjust the ratio of the light spot to a prescribed value.

For at least these reasons, claim 1 and its dependent claims 2 and 14 are not anticipated by Park. This same reasoning applies to claim 15 and its dependent claims 17 and 18. To clarify the distinction, claims 1 and 15 have been amended as shown. Withdrawal of the rejection is requested.

Claims 4-8 stand rejected under 35 USC 103(a) as being unpatentable over Park in view of Imada (US 5,404,344). Applicant traverses the rejection.

The deficiencies of Park are not corrected by Imada. Imada also fails to disclose or suggest Applicant's claimed optical pickup device, in particular the correction optical device control section to control the correction optical device to return the ratio of the light spot received by the light receiving portions of the light detector to a prescribed value when the ratio deviates from that value. Rather, Imada discloses an optical head in which a focusing error signal and a tracking error signal are detected by a single optical system. See, e.g., Imada, 1:12-22. However, Imada does not disclose or suggest that such detection involves returning the ratio of a light spot received by light receiving portions of a light detector to a prescribed value. Therefore, combining Park and Imada does not provide Applicant's claimed device.

Claims 4-8, which depend from claim 1, are patentable over Park in view of Imada. Withdrawal of the rejection is requested.

Claims 9-12 and 16 stand rejected under 35 USC 103(a) as being unpatentable over Park in view of Itonaga (US 5,623,466). Applicant traverses the rejection.

The deficiencies of Park are not corrected by Itonaga. Itonaga also fails to disclose or suggest Applicant's claimed optical pickup device, in particular the correction optical device control section to control the correction optical device to return the ratio of the light spot received by the light receiving portions of the light detector to a prescribed value when the ratio deviates from that value. Rather, Itonaga discloses an optical pickup apparatus in which a collimating lens L2 is tilted

to compensate for a tilt in an optical disc 5. See, e.g., Itonaga, 5:3-7. However, Itonaga does not disclose or suggest that such compensation involves returning the ratio of a light spot received by light receiving portions of a light detector to a prescribed value. Indeed, Itonaga does not disclose or suggest that its photodetector 7 has a plurality of light receiving portions from which to determine the ratio of a received light spot. Therefore, combining Park and Itonaga does not provide Applicant's claimed device.

The Action asserts, with respect to claims 9-12 and 16, that it would have been obvious to modify the optical system of Park with that of Itonaga in order to compensate for the tilt of the optical disc and thereby accurately control the position of the light focused on the disc. See, e.g., Office Action, item 10, page 6. Applicant disagrees. The Action admits that Park does not disclose adjusting an angle of its sensing lens 57 to correct the light path of the reflected light. In an attempt to correct this deficiency, the Action relies on Itonaga. However, Itonaga does not disclose adjusting its lens 6, which positionally is the same as Park's sensing lens 57. Rather, Itonaga discloses adjusting its collimating lens L2, which positionally is the same as Park's collimating lens 51. Since Itonaga does not mention adjusting its lens 6, a person of ordinary skill would not reasonably be expected or motivated to look to Itonaga to modify Park's sensing lens 57. Therefore, absent impermissible hindsight reasoning, a person of ordinary skill would have no reason to combine the teachings of Park and Itonaga in the manner asserted by the Action.

Claims 9-12 and 16, which depend from claim 1 or claim 15, are patentable over Park in view of Itonaga. Withdrawal of the rejection is requested.

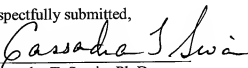
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. A Notice of Allowance is requested.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection

with the filing of this document to Deposit Account No. 03-1952 referencing docket no.  
299002057700.

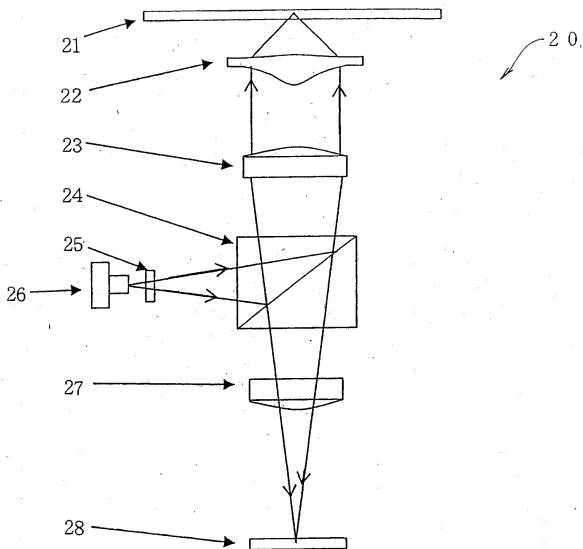
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FIG. 7



Prior Art